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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,332	11/12/1999	JAMES T. DISHON	99-0225	1527

7590 05/28/2004

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/28/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

as

# Office Action Summary

Application No.

09/439,332

Applicant(s)

DISHON ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 4-11 is/are allowed.
- 6) ☒ Claim(s) 13,19,20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed January 20, 2004 has been entered.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 19, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, lines 6-7, the recitation "said paper cutting and delivery means" is vague as to which one, and it is suggested in line 2 to insert --wherein said paper cutting and delivery means is a first paper cutting and delivery means, and-- before "wherein", in line 4, to re-insert --first-- before the first occurrence of "paper", in lines 4-5, to delete "said paper cutting and delivery means being a first paper cutting and delivery means, ", and in line 6 to re-insert --first-- before "paper".

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perini, pn 4,487,377.

Art Unit: 3724

Perini discloses a material cutting and feeding machine with almost every structural limitation of the claimed invention including a frame (e.g., 22, 23, 24); a paper cutting and delivering means comprising a material feeding roller means (e.g., 27, 28); a cutting means for perforating (e.g., 36, 37) and for cutting (e.g., 54); and a guide roller assembly (e.g., 42, 77, 95, 82a). Perini further discloses a drawing means including a tension roller (e.g., 33), and a first and second roller, but lacks the specific drawing means configuration including a first "pair" of rollers and a driven second "pair" of rollers. However, the Examiner takes Official notice that such web drawing configurations are old and well known in the art and provide various known benefits including the common practice of directly controlling the movement of the web.

Therefore, it would have been obvious to one having ordinary skill in the art to provide the specific drawing means configuration (i.e., either in place of or in addition to the roll moving structure 30) for the well known benefits including that described above.

5. Claims 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini, pn 4,487,377 as applied to claim 13 above, and further in view of Katoaka, pn 4,697,755.

Perini discloses a material cutting and feeding machine with almost every structural limitation of the claimed invention including a paper holder (e.g., 96) but lacks (a) second and third paper cutting and delivery means as claimed, and (b) the paper holder being slidably mounted in the frame.

Regarding (a), the Examiner takes Official notice that it is old and well known in the art to provide multiple web handling machines/assemblies on a single frame for

Art Unit: 3724

various well known benefits including efficiency of operation/manufacturing and efficiency of space. Kataoka (e.g., in Fig. 3) discloses one example of providing multiple assemblies on a frame. Therefore, it would have been obvious to one having ordinary skill in the art to provide additional machines/assemblies on the frame of Perini for the well known benefits including those described above.

Regarding (b), the Examiner takes Official notice that it is old and well known in the art to slidably mount various components in or on machines for various well known benefits including facilitating access to the component for replacement and/or repair. Therefore, it would have been obvious to one having ordinary skill in the art to slidably mount the paper holder of Perini for the well known benefits including those described above.

### ***Allowable Subject Matter***

6. Claims 1 and 4-11 are allowable over the prior art of record.

### ***Conclusion***

7. Applicant's amendment filed on July 9, 2001 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3724

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
April 19, 2004